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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,782	07/01/2003	Budd O. Libby	SGI-74-CIP2	9688

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Mr. Tim F. Williams
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Greenville, SC 29602

EXAMINER

HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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01/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/612,782	Applicant(s) LIBBY ET AL.	
	Examiner TRAMAR HARPER	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/04/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Examiner acknowledges receipt of amendment/arguments filed 10/01/08. The arguments set forth are addressed herein below. Claims 1-19 have been cancelled, and claims 20-28 are currently pending, and claim 24 is currently amended.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malone (US 6,585,590).

Claims 20-21 and 24-25: Malone discloses a bingo system comprising a bingo game server which generates a bingo game linked to gaming terminals for providing bingo games. The server implements the following steps:

- (a) providing a plurality of unique game cards and enabling players to purchase the cards via remote game client computers/terminals, wherein at least one game is a winning card.
- (b) suspends the purchase of game cards
- (c) after suspending purchasing of game cards generates numbers to obtain a sequence of calls.

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(d) applies the sequence of calls to each purchased game card and identifies the at least one winning game card.

(e) after step (d), **the server transmits the sequence of calls applied in step (d) (e.g. sequence including a winning sequence) to each remote client which has been used to purchase the at least one game card.**

(f) the server on each game client repeats the sequence of calls applied in step (d) until the at least one winning game card is identified.

Malone discloses that the numbers may be applied to the cards as they are generated until the winning card or cards are determined, which is a clear interpretation that the transmitted sequence of calls to the remote clients is respective of the winning sequence of drawn bingo numbers (Abstract, Col. 2:1-27, Col. 4:43-45, Figs. 4-6). The system includes a random number generator for generating a random sequence of calls. The system further includes a call application module (ticket validation module) and winning card identification module for applying the sequence of calls to the purchased game cards stored in the server and identifying at least one winning card (Col. 5:60-Col. 6:4).

Malone discloses the above, but fails to teach at least one gaming terminal configured to dispense bingo tickets to players. Malone clearly discloses that players can purchase bingo cards via remote game computers (abstract). Itkis et al discloses a promotional bingo game system wherein players can receive paper bingo cards via kiosks and electronic bingo cards via electronic terminals (Abstract, ¶19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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have modified the bingo gaming system of Malone with the bingo card dispenser of Itkis for purposes of providing players more than one way to participate in a the bingo game. The players that have access to electronic units can participate and check there cards via the electronic unit and players without such assess can track progress of the game or play the game via the paper card/ticket.

Malone discloses the above but fails to disclose an animated drawing subsystem including a video library for generating/compiling video segments respective of drawn numbers including winning numbers into a bingo game video. Graves teaches an animated drawing subsystem that comprises pre-recorded video clips that can take the form of a live bail caller or person that draws and announces bingo numbers or it can take the form of an animated character performing the same function (Spec: Col. 4:21-40). Graves teaches that as the bingo game events occur the host computer/server transmits data and code related to the respective pre-recorded clips, which are stored at the remote terminals; and the remote terminals use the codes to compile a video representation of the bingo game events (Col. 6:33-44). **Graves furthermore teaches that the invention is intended to enhance entertainment value of game presentations by the seamless insertion of animation and entertaining graphics into the presentation of game events, which is interpreted to mean that even though each number is drawn at a time the video segments are displayed in a seamless sequence e.g. a complied video (Col. 3:39-43). Graves teaches that the presentation is somewhat delayed as well (Col. 3:44-50).** It would have been obvious to one of ordinary skill in the art at the time the invention was made to have

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modified the bingo system of Malone to include the animation drawing subsystem of Graves to provide a more simulated or realistic bingo environment to the player.

Malone discloses that the invention is drawn toward giving the appearance of a bingo game in real time (Col. 6:15-20, Col. 7:5-10) e.g. the winner card is determined prior to actual game play but the player is given the appearance of a game occurring in real time. A visual stimulus such as Graves's animation subsystem would provide such an appearance to the player by providing a realistic audiovisual representation (Graves - Abstract).

Claims 22 and 26-27: Malone discloses that purchased cards, including identifying information, are stored in a storage device within the server (Col. 5:55-56). The system further includes a call application module (ticket validation module) and winning card identification module for applying the sequence of calls to the purchased game cards stored in the server and identifying at least one winning card (Col. 5:60-Col. 6:4). Itkis discloses that each bingo ticket has a corresponding ticket identifier (Abstract, Fig. 2). Graves discloses that each ticket is stored and has a corresponding ticket identifier (Col. 5:44-59).

Claims 23 and 28: All of the above references refer to the bingo game as playable on the internet. Furthermore, Itkis discloses that bingo games are known in the art as playable on the Internet sites (¶ 1). This allows multiple players to participate in the bingo game by allowing players to participate from remote locations. Therefore, it would have been obvious to one of ordinary skill in the art to modify the bingo game, as taught

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above, to be published or playable on internet sites in order to allow multiple players to participate in the bingo game by allowing players to participate from remote locations.

Response to Arguments

Applicant's arguments filed 10/01/08 have been fully considered but they are not persuasive. With respect to Graves, the examiner agrees that gaming machine retrieves segments one at a time corresponding to a drawn number, but also that the video segments or graphics are displayed in a seamless presentation as noted above. As such the bingo video presented by Graves implies a seamless sequence comprised of video segments furthermore to add to such disclosure Col. 7, lines 45-65 disclose the sequence of events step to states "video clip: Call Balls" which indicates a clip of comprised video call segments. Applicant furthermore discloses that Graves fails to teach retrieving video segments corresponding to a winning sequence of drawn numbers, however given its reasonable interpretation of such a statement the displayed drawn balls inherently would encompass the winning sequence of drawn balls. Even if not agreed upon the combination of Malone and Graves does.

Applicant argues that the combination of Malone in view of Graves is improper because "it would defeat the purpose of Malone to incorporate the interaction of players into the presentation of game events as required by Graves." The Examiner respectfully disagrees Malone intended to provide a game where the bingo game appears to be provided in real time e.g. even the outcome and sequence is already determined the game should still appear real. At least in that regards interaction by the player would be deemed appropriate. However, Malone does disclose indications of

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player interaction. Malone discloses that the player can mark the called balls automatically or manually and can furthermore mark cards incorrectly. A player can erroneously declare a false winning card that is just not validated by the system e.g. player can still declare winning cards (Col. 6:59-Col. 7:37). This is a clear indication of player interaction even though not deemed necessary but appropriate to provide the appearance of a real-time bingo game.

Applicant furthermore discloses that Graves teaches away from the claimed invention. Specifically Graves teaches away from "the transmission of a bingo video compiled from video segments corresponding to a winning sequence of drawn numbers." Applicant respectfully interprets Graves to disclose that "increased bandwidth required for transmitting still pictures or video of an actual game event results in often unacceptable increases in system cost and complexity." And that Graves invention is intended to employ low band width telecommunications to provide realistic entertainment video presentations and take advantage of low cost and high speed operations available on personal computers having large hard disk and random access memory. The examiner respectfully disagrees with this assertion and reiterates the response filed 01/17/08. . Graves **never explicitly discloses that video clips should be stored on the remote location and not at the central computer so as to avoid transmission of the video or still shots.** Specifically, Graves merely teaches an invention intended to employ low band width telecommunications to provide realistic entertainment video presentations and take advantage of low cost and high speed operations available on personal computers having large hard disk and random access

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memory. Furthermore, Graves discloses that "with increased bandwidth, still pictures, and with a full T1 connection or satellite link to each remote site, compressed video of the actual game event can be provided," **which is an indication that sending video representative of a game from a central site to remote sites is well known in the art.** It has been held that, "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994) e.g. simply because Grave discloses that with increased bandwidth, transmission of video of actual game events to remote sites can be provided and that increased bandwidth also means often unacceptable increases in system cost and complexity does not make the known or obvious variant (animation drawing subsystem or video clip system/storage at the web/host server) patentable simply because it has been described as somewhat inferior to some other variant (video clip system/storage at remote terminal) for the same use and as such does not teach away from the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAMAR HARPER whose telephone number is (571)272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald Laneau/
Primary Examiner
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